



Control Number: 51415



Item Number: 155

Addendum StartPage: 0

SOAH DOCKET NO. 473-21-0538
PUC DOCKET NO. 51415

RECEIVED
2021 JAN 21 AM 10:03

APPLICATION OF SOUTHWESTERN §
ELECTRIC POWER COMPANY FOR §
AUTHORITY TO CHANGE RATES §

BEFORE THE PUBLIC UTILITY COMMISSION
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**SOUTHWESTERN ELECTRIC POWER COMPANY'S
FOURTH PETITION FOR REVIEW OF THE RESOLUTION
OF THE CITY OF EAST MOUNTAIN AND MOTION TO CONSOLIDATE**

Southwestern Electric Power Company (SWEPCO) files this petition appealing the rate decision adopted by the City of East Mountain. This appeal is filed pursuant to Section 33.051 of the Public Utility Regulatory Act (PURA). In support of this appeal and motion, SWEPCO would show the following:

I. SWEPCO's Requested Rate Change

On October 14, 2020, SWEPCO filed with the Public Utility Commission of Texas (Commission) a Petition and Statement of Intent to Change Rates within the areas over which the Commission has original jurisdiction. That Petition and Statement of Intent was assigned Docket No. 51415. SWEPCO concurrently filed a Petition and Statement of Intent with each incorporated city having original jurisdiction over its retail rates.

II. Municipal Actions

On November 9, 2020, the City of East Mountain adopted a resolution that denied SWEPCO's application and kept the existing rates in effect. Under the terms of East Mountain's resolution, a copy was to be served on SWEPCO's authorized representative, Stacy Bankston-Pankratz, by U.S. Mail; however SWEPCO was only served via electronic mail on January 6, 2021. Therefore, this appeal is filed within thirty (30) days of the date that SWEPCO received

notice of East Mountain's decision.¹ A copy of the City of East Mountain's resolutions is attached as Exhibit 1.

III. Jurisdiction

The Commission has jurisdiction over this appeal in accordance with PURA §§ 32.001(b) and 33.051.

IV. Motion to Consolidate

SWEPCO requests that its appeal of the City of East Mountain's rate decision be consolidated with Docket No. 51415. This appeal involves issues of law and fact common to those involved in Docket No. 51415, and a separate hearing of this appeal and Docket No. 51415 would result in unwarranted expenses, delay, or substantial injustice.

V. Conclusion

SWEPCO respectfully requests the Administrative Law Judges enter an order consolidating this appeal of the resolution of the City of East Mountain with Docket No. 51415. SWEPCO further respectfully requests that upon final hearing, SWEPCO be granted the rate relief as requested in its Petition and Statement of Intent.

¹ SWEPCO previously included East Mountain in its Third Appeal of Municipal Decisions, which addressed those municipalities that failed to timely deny or suspend the requested rates. The Administrative Law Judges consolidated SWEPCO's Third Appeal with this docket in SOAH Order No. 3. SWEPCO is now appealing East Mountain's decision on the requested rates out of an abundance of caution.

Respectfully submitted,

Melissa Gage
State Bar No. 24063949
Email: magage@acp.com
aepaustintx@acp.com (Service)

Leila Melhem
State Bar No. 24083492
Email: lmelhem@acp.com
aepaustintx@acp.com (Service)

400 West 15th Street, Suite 1520
Austin, Texas 78701
Telephone: (512) 481-3320
Facsimile: (512) 481-4591

**AMERICAN ELECTRIC POWER SERVICE
CORPORATION**


William Coe
State Bar No. 00790477
Email: wcoc@dwmlaw.com

Kerry McGrath
State Bar No. 13652200
Email: kmcgrath@dwmlaw.com

Patrick Pearsall
State Bar No. 24047492
Email: ppcarsall@dwmlaw.com

P.O. Box 1149
Austin, Texas 78767
Telephone: (512) 744-9300
Facsimile: (512) 744-9399

DUGGINS WREN MANN & ROMERO, LLP

By: 
Patrick Pearsall

**ATTORNEYS FOR SOUTHWESTERN
ELECTRIC POWER COMPANY**

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 21, 2021 in accordance with the Second Order Suspending Rules issued in Project No. 50664 and Order No. 1 in this matter. In addition, a copy of the foregoing has been served by certified U.S. mail upon the following:

Marc Covington, Mayor
City of East Mountain
103 Municipal Drive
Gilmer, TX 75645

Melissa Boyd
City Secretary
103 Municipal Drive
Gilmer, TX 75645

Robin Gray
City Administrator
City of East Mountain
103 Municipal Drive
Gilmer, TX 75645



Patrick J. Pearsall